

United States District Court

for the

Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Mar 27, 2020

SEAN F. McAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Timothy Ray Allen

Case Number: 0980 2:15CR00077-TOR-1

Address of Offender:

Name of Sentencing Judicial Officer: The Honorable Thomas O. Rice, Chief U.S. District Judge

Date of Original Sentence: April 28, 2016

Original Offense: Felon in Possession of Firearm, 18 U.S.C. §§ 922(g)(1) and 924(a)(2)

Original Sentence: Prison - 37 Months; Type of Supervision: Supervised Release
TSR - 36 Months

Revocation Sentence: Prison - 4 Months;
(July 11, 2018) TSR - 32 Months

Revocation Sentence: Prison - 2 Months;
(December 19, 2018) TSR - 30 Months

Revocation Sentence: Prison - 1 Year and 1 Day;
(February 26, 2019) TSR - 18 Months

Asst. U.S. Attorney: Patrick J. Cashman

Date Supervision Commenced: February 4, 2020

Defense Attorney: John Barto McEntire, IV

Date Supervision Expires: August 3, 2021

PETITIONING THE COURT

To incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 02/07/2020.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
3	<u>Mandatory Condition #1:</u> You must not commit another Federal, state, or local crime.
4	<u>Standard Condition #10:</u> You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e. anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).

Supporting Evidence: Mr. Allen is alleged to have violated mandatory condition number 1 and standard condition number 10 by being in possession of a firearm and discharging it

at law enforcement on or about March 6, 2020.

Specifically, on March 6, 2020, the undersigned officer received notification from the Federal Probation Office in the District of Idaho that Mr. Allen was currently being investigated by law enforcement for his involvement in a shooting on the reservation. On March 9, 2020, the undersigned officer received notification of the client's arrest in the City of Spokane Valley, as previously occurring on March 6, 2020. On March 19 and 25, 2020, the undersigned officer received the relevant police reports from the Coeur d'Alene Tribal Police Department and the Spokane County Sheriff's Office, respectively.

According to police reports, on March 6, 2020, at approximately 2:28 a.m., and near milepost 400 on Highway 95 in Idaho, law enforcement observed a vehicle traveling at an estimated speed of 80 miles per hour. The vehicle was confirmed by radar to be traveling at 84 miles per hour in a 60 mile-per-hour zone. The officer activated his vehicle's light and sirens; however, the vehicle failed to yield. The officer then changed his radar from stationary to moving and observed the vehicle's speed had increased to 111 miles per hour. After pursuing the vehicle, the officer observed a minimum of three "muzzle flashes" and four "popping noises" coming from the passenger side of the vehicle, which the officer believed to be from a firearm, specifically noting he believed that three shots were directed toward him based on the "distinct circular flash" from the muzzle. The pursuing officer created distance, requested assistance and eventually lost sight of the vehicle. Upon the arrival of responding officers, a perimeter was formed and surrounding law enforcement agencies were advised of the vehicle's description.

At approximately 2:40 a.m., a Spokane County sheriff's deputy was on patrol in the Spokane Valley, and received notification of the vehicle's description and that the vehicle was last seen headed toward the Spokane Valley. At approximately 3:46 a.m., the deputy located the vehicle occupied and running in the parking lot of 2705 N. Pines in the Spokane Valley. Upon additional officers responding, a felony stop was conducted and all occupants were removed from the vehicle. When asked where the gun was, one of the parties responded "it's in the apartment with Timothy Allen, he's the shooter." The housing manager was provided with a description of Mr. Allen and indicated the described party had been seen coming and going from apartment number 11. The deputy was then able to view security footage in which the deputy observed the suspect vehicle pull into the residence, a male exit from the passenger side of the vehicle and then enter into the stairwell that enters into apartment 11.

At approximately 7:06 a.m., announcements were made for the parties of apartment 11 to exit the apartment, at which time all occupants exited and Timothy Allen was taken into custody for his federal warrant. Witness testimony resulted in two parties identifying Mr. Timothy Allen as having shot at law enforcement. It should be noted, the deputy also noted "multiple conflicting statements" had been made by the witnesses and two of the witnesses admitted to lying during his questioning of them.

The Coeur d'Alene Tribal police report concludes noting a warrant would be sought for Mr. Allen for attempted murder. Subsequent contact with the Idaho U.S. Attorney's Office has revealed charges are currently being reviewed.

5 **Mandatory Condition #1:** You must not commit another federal, state, or local crime.

6 **Mandatory Condition #2:** You must not unlawfully possess a controlled substance, including marijuana, which remains illegal under federal law.

Supporting Evidence: Mr. Allen is alleged to have violated mandatory condition number 1 and mandatory condition number 2 by being in possession of approximately 6.8 grams of methamphetamine on March 6, 2020, as located by Spokane County Jail deputies.

Specifically, on March 6, 2020, the undersigned officer received notification from the Federal Probation Office in the District of Idaho that Mr. Allen was currently being investigated by law enforcement for his involvement in a shooting on the reservation. On March 9, 2020, the undersigned officer received notification of the client's arrest in the City of Spokane Valley, as previously occurring on March 6, 2020. On March 19 and 25, 2020, the undersigned officer received the relevant police reports from the Coeur d'Alene Tribal Police Department and the Spokane County Sheriff's Office, respectively.

According to the received police reports, Mr. Timothy Allen was, on March 6, 2020, transported by a Spokane County sheriff's deputy to the Spokane County Jail following the client's arrest for his outstanding federal supervised release warrant, and the circumstances as outlined herein. Upon arrival at the Spokane County Jail, Mr. Allen was strip searched by deputies, at which time a "clear plastic baggie containing a crystal-like substance" was located in the client's underwear. This conduct was reported to the Federal Bureau of Investigation who indicated they would be pursuing charges relative to the client's possession of the substance.

The substance was field tested and weighed by the reporting deputy in which the substance tested positive for methamphetamine. The substance was weighed in its original packaging described as being a "clear plastic baggie" and was found to weigh 6.8 grams.

7 **Standard Condition #3:** You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the Court or the probation officer.

Supporting Evidence: Mr. Allen is alleged to have violated standard condition number 3 by being present in the District of Idaho on or about March 6, 2020, based on received police reports and witness testimony.

Specifically, on March 6, 2020, the undersigned officer received notification from the Federal Probation Office in the District of Idaho that Mr. Allen was currently being investigated by law enforcement for his involvement in a shooting on the reservation. On March 9, 2020, the undersigned officer received notification of the client's arrest in the City of Spokane Valley, as previously occurring on March 6, 2020. On March 19 and 25, 2020, the undersigned officer received the relevant police reports from the Coeur d'Alene Tribal Police Department and the Spokane County Sheriff's Office, respectively.

According to the received police reports and reviewed witness testimony, Mr. Timothy Allen was present in the District of Idaho on or about March 6, 2020, in which he is alleged to have engaged in new criminal conduct as outlined herein. At no time did Mr. Allen have permission from the U.S. Probation Office to travel outside of the Eastern District of Washington.

The U.S. Probation Office respectfully recommends the Court to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: March 26, 2020

s/Chris Heinen

Chris Heinen
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☒ Defendant to appear before the Judge assigned to the case.
- ☐ Defendant to appear before the Magistrate Judge.
- ☐ Other



Thomas O. Rice
Chief United States District Judge
March 27, 2020

Date